

**DOCKET NO. 3:97-CR-184-18-FDW**

**Defendant.**

## ORDER


pursuant to U.S.S.G. § 5K1.1 while declining to make a downward departure motion below the statutory minimum.”

At this Defendant’s original sentencing, he was sentenced to the statutory minimum – 10 years (120 months) – after receiving the benefit of a § 5K1.1 departure below the applicable sentencing guidelines. Nothing in the record indicates that the government also made a § 3553(e) motion or otherwise authorized the Court to depart below the 10 year mandatory minimum. Accordingly, Defendant is not eligible for any additional sentence reduction even if he would have benefitted from Amendment 706 at the time of his original sentencing. U.S.S.G. § 5G1.1.

Defendant’s motion for reconsideration (Doc. No. 691) is therefore DENIED. The Clerk of Court is directed to mail a copy of this Order to Defendant at:#13194-058, F.C.C. Petersburg, P.O. Box 90027, Petersburg, VA 23804.

IT IS SO ORDERED.

Signed: November 14, 2008

  
Frank D. Whitney  
United States District Judge

